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KEVIN MOY and the Proposed Class

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

DONALD WORTMAN, WILLIAM  
ADAMS, MARGARET GARCIA,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

AIR NEW ZEALAND, et al.,

Defendants.

**This Document Relates to:**

KEVIN MOY v. AIR NEW ZEALAND;  
ALL NIPPON AIRWAYS; CATHAY  
PACIFIC AIRWAYS; CHINA AIRLINES;  
EVA AIRLINES; JAPAN AIRLINES  
INTERNATIONAL; MALAYSIA  
AIRLINES; NORTHWEST AIRLINES;  
QANTAS AIRWAYS; SINGAPORE AIR;  
THAI AIRWAYS; and UNITED  
AIRLINES, INC.,

) Case No. CV 07-5634 CRB

) **PLAINTIFF KEVIN MOY'S**  
) **ADMINISTRATIVE MOTION TO**  
) **CONSIDER WHETHER CASES**  
) **SHOULD BE RELATED**

) **(Civil Local Rule 3-12 AND 7-11)**

) Case No.: C 08-01383 MEJ

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that plaintiff Kevin Moy ("Plaintiff"), hereby moves this Court pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court of the Northern District of California to consider whether the action entitled, *Kevin Moy v. Air New Zealand, et al.*,

Case No. CV 08-01383 MEJ (“*Moy*”) filed on March 11, 2008 in the United States District Court for the Northern District of California, should be related to *Donald Wortman, et al. v. Air New Zealand, et al.*, Case No. CV 07-0534 CRB (“*Wortman*”) filed on November 6, 2007 in the Northern District of California and assigned to the Honorable Charles R. Breyer. Further, Plaintiff Moy hereby moves this Court to coordinate this case with the MDL proceeding entitled *In Re Transpacific Passenger Air Transportation Antitrust Litigation*, Case No. M:08-CV-01913 CRB.

Pursuant to Civil Local Rules 3-12(b) and 7-11 of the United States District Court for the Northern District of California, Plaintiff Kevin Moy and the Proposed Class (“Plaintiff”) submits this Administrative Motion to Consider Whether Cases Should be Related.

# **I. RELATED CASES**

Pursuant to Local Rule 3-12(b), the *Moy* action should be related to the *Wortman*

1. *Matthew Evans v. Air New Zealand, et al.*, Case No. CV 07-5821 CRB filed in the Northern District of California on November 15, 2007 and related to the *Wortman* action by Court order on February 19, 2008;

2. *Mark Foy v. Air New Zealand, et al.*, Case No. CV 07-06219 CRB filed in the Northern District of California on December 7, 2007 and related to the *Wortman* action by Court order on February 25, 2008;

3. *Rachel Diller v. Air New Zealand, et al.*, Case No. CV 07-06394 CRB filed in the Northern District of California on December 18, 2007 and related to the *Wortman* action by Court order on March 20, 2008;

4. *Martin Kaufman v. Air New Zealand, et al.*, Case No. CV 07-06417 CRB filed in the Northern District of California on December 19, 2007 and related to the *Wortman* action by Court order on February 12, 2008;

5. *Micah Abrams v. Air New Zealand, et al.*, Case No. CV 08-0339 CRB filed in the Northern District of California on January 17, 2008 and related to the *Wortman* action by Court order on January 23, 2008;

6. *Jason Gregory Turner v. Air New Zealand, et al.*, Case No. CV 08-01444 CRB filed in the Northern District of California on March 13, 2008, which has a motion to relate to the *Wortman*

1 action pending in this Court.

2 **II. RELATIONSHIP OF THE ACTIONS**

3 This Administrative Motion is made on the grounds that this action and the related actions  
4 identified above involve substantially the same defendants, and require determination of the same or  
5 substantially the same questions of fact and law and concern the same wrongful acts and occurrences.  
6 Specially, all cases involve allegations that defendants participated in a conspiracy to fix, raise,  
7 maintain, and/or stabilize the prices of long-haul transpacific passenger flights to and from the United  
8 States, including by fixing the price of fuel surcharges included in those fares in violation of the  
9 Sherman Antitrust Act, 15 U.S.C. § 1. Given the closely related nature of each of these cases, each  
10 involving substantially similar questions of law and fact, the assignment of these actions to the same  
11 judge would serve the interests of judicial economy and avoid the potential for conflicting rulings.

12 Dated: March 27, 2008

GROSS BELSKY ALONSO LLP

13  
14 By: /s/ Terry Gross  
15 Terry Gross

16 Attorneys for Plaintiff KEVIN MOY  
17 and the Proposed Class  
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**CERTIFICATE OF SERVICE**

**RE: *Kevin Moy v. Air New Zealand, et al.***  
**Case No. CV 08-01383 MEJ**

I am a citizen of the United States and employed in the County of San Francisco, State of California. I am over eighteen (18) years of age and not a party to the above-entitled action. My business address is GROSS BELSKY ALONSO LLP, 180 Montgomery Street, Suite 2200, San Francisco, CA, 94104. On the date set forth below, I served the following documents in the manner indicated on the below named parties and/or counsel of record:

• **PLAINTIFF KEVIN MOY'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED**

— **Facsimile** transmission from (415) 544-0201 during normal business hours, complete and without error on the date indicated below, as evidenced by the report issued by the transmitting facsimile machine.

— **U.S. Mail**, with First Class postage prepaid and deposited in a sealed envelope at San Francisco, California.

XX **By ECF:** I caused the aforementioned documents to be filed via the Electronic Case Filing (ECF) system in the United States District Court for the Northern District of California, on all parties registered for e-filing in the Docket Number M:07-cv-05634-CRB.

I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service, and said correspondence would be deposited with the United States Postal Service at San Francisco, California that same day in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 27, 2008 at San Francisco, California.

/s/ Mary B. Cunniff  
MARY B. CUNNIFF